

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN

ALVIN BALDUS, CINDY BARBERA, CARLENE
BECHEN, ELVIRA BUMPUS, RONALD BIENDSEIL,
LESLIE W. DAVIS III, BRETT ECKSTEIN, GLORIA
ROGERS, RICHARD KRESBACH, ROCHELLE
MOORE, AMY RISSEEUW, JUDY ROBSON, JEANNE
SANCHEZ-BELL, CECELIA SCHLIEPP, TRAVIS
THYSSEN,

Plaintiffs,

v.

Civil Action
File No. 11-cv-562
(Three-judge panel/request
pending)

Members of the Wisconsin Government Accountability
Board, each only in his official capacity:
MICHAEL BRENNAN, DAVID DEININGER,
GERALD NICHOL, THOMAS CANE,
THOMAS BARLAND, and TIMOTHY VOCKE, and
KEVIN KENNEDY, Director and General Counsel for the
Wisconsin Government Accountability Board,

Defendants.

FIRST AMENDED COMPLAINT FOR DECLARATORY AND INJUNCTIVE RELIEF

The plaintiffs, for their amended complaint, under 42 U.S.C. § 1983 and 28 U.S.C. § 2284(a)—and, as a matter of course, under Rule 15(a)(1)(B), Fed. R. Civ. P.—allege that:

SUMMARY

This is an action for a declaratory judgment and for injunctive relief, involving the rights of the plaintiffs under the U.S. Constitution and the Wisconsin Constitution and the now legislatively-mandated configuration of the eight congressional districts, 33 senate districts and 99 assembly districts in the State of Wisconsin for 2012 and beyond. These districts—

established by the state legislature in legislation adopted on July 19 and 20, 2011, to be signed by the Governor—are unconstitutional.

This case arises under the U.S. Constitution, Article I, Section 2, and the First, Fifth and Fourteenth Amendments, Sections 1, 2 and 5; under 42 U.S.C. §§ 1983 and 1988; under the Voting Rights Act, 42 U.S.C. § 1973; and, under article IV, sections 3 through 5 of the Wisconsin Constitution. This amended complaint supersedes the complaint filed on June 10, 2011, before the adoption by the legislature of new state legislative and Congressional district boundaries. The plaintiffs file it as of right under Rule 15, Fed. R. Civ. P.¹

The plaintiffs seek a declaratory judgment that:

- The redistricting legislation just adopted violates the constitutional requirements that legislative districts be substantially equal in population while maintaining contiguity, compactness, communities of interest, and core district populations and that they be based upon county, precinct, town or ward lines;
- The legislation violates the state constitution in that it disenfranchises nearly 300,000 citizens by unnecessarily extending, for them, the time between elections of state senators from four to six years;
- The Congressional redistricting legislation violates the constitutional requirement that districts be compact and preserve communities of interest;
- Both the Congressional and legislative redistricting legislation violate the First and Fourteenth Amendments in that the districts reflect deliberate, systematic and impermissible partisan gerrymandering and impinge upon freedom of association by penalizing voters and elected representatives solely because of their political affiliation and beliefs;
- The legislation violates the statutory and constitutional prohibitions against using race as a predominant factor in creating district boundaries; and,
- The Congressional and legislative redistricting legislation cannot be justified as furthering any legitimate state interest and is, therefore, unconstitutional.

Upon such declarations, the plaintiffs request injunctive relief prohibiting any elections from being conducted under the Congressional and state legislative boundaries created by the

¹ The defendants filed a responsive pleading on June 30, 2011, not more than 21 days before this pleading.

legislature. Plaintiffs further request that in the event valid boundaries are not enacted in sufficient time for the 2012 candidate qualifying period and elections according to the statutory schedule, the Court formulate and implement Congressional and state legislative districts that comport with constitutional and statutory requirements.

JURISDICTION

1. This Court has jurisdiction under 28 U.S.C. §§ 1331, 1343(a)(3) and (4), 1357 and 2284 to hear the claims for legal and equitable relief arising under the federal constitution and federal law and supplemental jurisdiction under 28 U.S.C. § 1367 to hear claims under the state constitution and state law. It also has general jurisdiction under 28 U.S.C. §§ 2201 and 2202, the Declaratory Judgments Act, to grant the declaratory relief requested.

2. This action challenges the constitutionality of the legislatively-adopted boundaries for the state's Congressional and legislative districts, found in chapters 3 and 4 of the Wisconsin Statutes. While these Congressional and state legislative district boundaries are based on the 2010 census, they nevertheless are unconstitutional and violate state and federal law.

3. Accordingly, 28 U.S.C. § 2284(a) requires that a district court of three judges be convened or reconvened to hear the case. In 1982, 1992 and 2002, three-judge panels convened pursuant to 28 U.S.C. § 2284 resolved complaints like this one, developing redistricting plans for the state legislature in the absence of valid plans enacted into law.

VENUE

4. Venue is properly in this Court under 28 U.S.C. § 1391(b) and (e). At least one of the defendants resides in the Eastern District of Wisconsin. In addition, at least nine of the individual plaintiffs reside and vote in this district.

PARTIES

Plaintiffs

5. The plaintiffs are citizens, residents and qualified voters of the United States and the State of Wisconsin, residing in various counties and Congressional and legislative districts (as now re-established by the legislation adopted by the state legislature). Regardless of their place of residence, their rights are harmed or threatened with harm by political district boundaries that violate federal and state law.

a. Alvin Baldus, a citizen of the United States and of the State of Wisconsin, is a resident and registered voter of Menomonie, Dunn County, Wisconsin, with his residence in the 3rd Congressional District, 67th Assembly District and 23rd Senate District as those districts have been established by the Wisconsin legislature.

b. Cindy Barbera, a citizen of the United States and of the State of Wisconsin, is a resident and registered voter of the City of Madison, Dane County, Wisconsin, with her residence in the 2nd Congressional District, 78th Assembly District and 26th Senate District as those districts have been established by the legislature.

c. Carlene Bechen, a citizen of the United States and of the State of Wisconsin, is a resident and registered voter of the Village of Brooklyn, Dane County, Wisconsin, with her residence in the 2nd Congressional District, 80th Assembly District and the 27th Senate District as those districts have been established by the legislature.

d. Elvira Bumpus, a citizen of the United States and of the State of Wisconsin, is a resident and registered voter of the City of Racine, Racine County, Wisconsin, with her residence in the 1st Congressional District, 66th Assembly District and 22nd Senate District as those districts have been established by the legislature.

e. Ronald Biendseil, a citizen of the United States and of the State of Wisconsin, is a resident and registered voter of Middleton, Dane County, Wisconsin, with his residence in the 2nd Congressional District, 79th Assembly District and 27th Senate District as those districts have been established by the legislature.

f. Leslie W. Davis III, a citizen of the United States and of the State of Wisconsin, is a resident and registered voter of the City of Stoughton, Dane County, Wisconsin, with his residence in the 2nd Congressional District, 46th Assembly District and 16th Senate District as those districts have been established by the legislature.

g. Brett Eckstein, a citizen of the United States and of the State of Wisconsin, is a resident and registered voter of the Village of Sussex, Waukesha County, Wisconsin, with his residence in the 5th Congressional District, 22nd Assembly District and 38th Senate District as those districts have been established by the legislature.

h. Gloria Rogers, a citizen of the United States and of the State of Wisconsin, is a resident and registered voter of the City of Racine, Racine County, Wisconsin, with her residence in the 1st Congressional District, 64th Assembly District and the 22nd Senate District as those districts have been established by the legislature.

i. Richard Kresbach, a citizen of the United States and of the State of Wisconsin, is a resident and registered voter of the Village of Wales, Waukesha County, Wisconsin, with his residence in the 1st Congressional District, 99th Assembly District and the 33rd Senate District as those districts have been established by the legislature.

j. Rochelle Moore, a citizen of the United States and of the State of Wisconsin, is a resident and registered voter of the City of Kenosha, Kenosha County,

Wisconsin, with her residence in the 1st Congressional District, 64th Assembly District and the 22nd Senate District as those districts have been established by the legislature.

k. Amy Risseuw, a citizen of the United States and of the State of Wisconsin, is a resident and registered voter of the Town of Menasha, Outagamie County, Wisconsin, with her residence in the 8th Congressional District, 3rd state Assembly District and 1st Senate District as those districts have been established by the legislature.

l. Judy Robson, a citizen of the United States and of the State of Wisconsin, is a resident and registered voter of the City of Beloit, Rock County, Wisconsin, with her residence in the 2nd Congressional District, 31st Assembly District and 11th Senate District as those districts have been established by the legislature. Ms. Robson, then a State Senator, was a plaintiff in *Baumgart v. Wendelberger*, Nos. 01-121 and 02-366, 2002 WL 34127471 (E.D. Wis. May 30, 2002), *amended by* 2002 WL 34127473 (E.D. Wis. July 11, 2002), the case in which this Court established legislative districts in the absence of a valid redistricting statute adopted in 2002 by the state legislature. She has filed a motion under Rule 60(b), Fed. R. Civ. P., for relief from the judgment in that case, asking the Court to provide substantially the same relief requested in this amended complaint.

m. Jeanne Sanchez-Bell, a citizen of the United States and of the State of Wisconsin, is a resident and registered voter of the City of Kenosha, Kenosha County, Wisconsin, with her residence in the 1st Congressional District, 65th Assembly District and 22nd Senate District as those districts have been established by the legislature.

n. Cecelia Schliepp, a citizen of the United States and of the State of Wisconsin, is a resident and registered voter of the Town of Erin, Washington County, Wisconsin, with her residence in the 5th Congressional District, 22nd Assembly District and the 8th Senate District as those districts have been established by the legislature.

o. Travis Thyssen, a citizen of the United States and of the State of Wisconsin, is a resident and registered voter of the Town of Grand Chute, Outagamie County, Wisconsin, with his residence in the 8th Congressional District, 56th Assembly District and the 19th Senate District as those districts have been established by the legislature.

Defendants

6. Michael Brennan, resident of Marshfield, Wisconsin; David Deininger, resident of Monroe, Wisconsin; Gerald Nichol, resident of Madison, Wisconsin; Thomas Cane, resident of Wausau, Wisconsin; Thomas Barland, resident of Eau Claire, Wisconsin; and, Timothy Vocke, resident of Rhinelander, Wisconsin, each named as a defendant personally and individually but only in his official capacity, are all members of the Wisconsin Government Accountability Board (“G.A.B.”). Kevin Kennedy, resident of Dane County, Wisconsin, also named only in his official capacity, is the Director and General Counsel for the G.A.B.

a. The G.A.B. is an independent state agency under section 15.60 of the Wisconsin Statutes. The G.A.B. has “general authority” over and the “responsibility for the administration of ... [the state’s] laws relating to elections and election campaigns,” Wis. Stat. § 5.05(1) (2009-10), including the election every two years of Wisconsin’s representatives in the assembly and every four years its representatives in the senate. It also has general responsibility for the administration of laws involving the election, every two years, of the eight members of the Wisconsin Congressional delegation.

b. Among its statutory responsibilities, the G.A.B. must notify each county clerk by the second Tuesday in May of an election year, under Wis. Stat. §§ 10.01(2)(a) and 10.72, of the date of the primary and general elections and the offices to be filled at those elections by the voters. The G.A.B. also transmits to each county clerk a certified list of candidates for whom the voters of that county may vote. Wis. Stat. § 7.08(2).

c. The G.A.B. issues certificates of election under section 7.70(5) of the Wisconsin Statutes to the candidates elected to serve in the senate and assembly and in the U.S. House of Representatives. The G.A.B. also provides support to local units of government and their public employees, including the county clerks in each of Wisconsin's 72 counties, in administering and preparing for the election of members of the legislature and the U.S. House of Representatives. For purposes of the state's election law, the counties and their clerks are agents for the state and for the G.A.B.

CONSTITUTIONAL AND STATUTORY PROVISIONS / FACTS

7. The federal constitution requires that the members of Congress be elected from districts with equal populations. The state constitution requires that state legislative districts be "substantially equal" in population, and both Congressional and legislative districts must ensure continuity, compactness and, to at least a limited extent, competitiveness.

8. The U.S. Constitution, in Article 1, Section 2, provides, in part, that "Representatives ... shall be apportioned among the several states ... according to their respective numbers...." It further provides that "[t]he House of Representatives shall be composed of members chosen every second year by the people of the several states...." These provisions, as construed by the U.S. Supreme Court, establish a minimum constitutional guarantee of "one-person, one-vote."

9. The Due Process Clause of the Fifth Amendment provides that “[n]o person shall ... be deprived of life, liberty, or property, without due process of law.”

10. The Equal Protection Clause provides, in pertinent part:

No state shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any state deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.

This provision guarantees to the citizens of each state, among other rights, the right to vote in state and federal elections, guaranteeing as well that the vote of each citizen shall be equally effective with the vote of any and every other citizen.

11. Article IV, section 3, of the Wisconsin Constitution requires that the legislature “apportion and district anew” its senate and assembly districts following each federal census “according to the number of inhabitants.”

12. The state constitution also requires that legislative districts be “bounded by county, precinct, town or ward lines, [] consist of contiguous territory and be in as compact form as practicable.” Wis. Const. art. IV, § 4. The constitution further requires that state senators “shall be chosen” by the voters every four years.

13. Pursuant to 2 U.S.C. § 2a, the President transmits to Congress, based on the decennial census, “the number of persons in each State” and “the number of Representatives to which each State would be entitled under an apportionment of the then existing number of Representatives....” Under 2 U.S.C. § 2c, “there shall be established by law a number of districts equal to the number of Representatives to which such State is so entitled, and Representatives shall be elected only from districts so established....”

14. The Bureau of the Census, U.S. Department of Commerce, conducted a decennial census in 2010 of Wisconsin and of all the other states under Article I, Section 2, of the U.S. Constitution.

15. Under 2 U.S.C. §§ 2a and 2c and 13 U.S.C. § 141(c), the Census Bureau on December 21, 2010 announced and certified the actual enumeration of the population of Wisconsin at 5,686,986 as of April 1, 2010, a slight population increase from the 2000 census. A copy of the Census Bureau's Apportionment Population and Number of Representatives, by state, is attached as Exhibit A.

Legislative Districts

16. Based on the April 2010 census, the precise ideal population for each senate district in Wisconsin is 172,333 and for each assembly district 57,444 (each a slight increase from 2000).

17. Article IV, section 3, of the Wisconsin Constitution gives the legislature the primary responsibility for enacting a constitutionally-valid plan for legislative districts. The Governor soon will sign into law new legislative district boundaries incorporated in the legislation, Senate Bills 148 and 149, approved by the legislature on July 19 and 20, 2011.

a. The 2010 census populations in the newly adopted senate districts range from a low of 171,722 (611 fewer than the ideal population, the 18th Senate District) to a high of 172,798 (465 more than the ideal population, the 30th Senate District). Thus, the total population deviation, from the most populous to the least populous district, is 1,076 persons.

b. The 2010 census populations in newly adopted assembly districts range from a low of 57,220 (224 fewer than the ideal population, the 1st Assembly District) to a high of 57,658 (214 more than the ideal population, the 45th Assembly District). Thus,

the total population deviation, from the most populous to the least populous district, is 438 persons.

18. The redistricting legislation was drafted on behalf of the majority party's leadership in the assembly and senate and first released to the public on July 8, 2011.

19. The public aspects of the redistricting process were completed in just 12 days:

a. On July 13, 2011, the legislature held the first and only public hearing to take testimony on the redistricting legislation.

b. The Senate Judiciary Committee adopted the redistricting proposal, with minor amendments, and companion legislation on July 15, 2011.

c. The senate approved the amended legislative redistricting proposal and companion legislation on July 19, 2011, and the assembly approved them on July 20, 2011. They await the Governor's signature. A copy of the amendment to redistricting legislation is attached as Exhibit B. (Copies of the original proposals were provided to this Court as Exhibits 1 and 2 attached to correspondence from defendants' counsel on July 14, 2011.)

20. At all times relevant to the redistricting process, state law established the procedures for redistricting under which local governments were first required to draw local political and ward boundaries. Wis. Stat. §§ 5.15(1)(b) and 59.10(3)(b) (2009-10). However, a companion bill, also passed on July 19 and 20, now requires local communities to draw or re-draw their local political boundaries to conform with state legislative redistricting, making it impossible for the new districts "to be bounded by county, precinct, town or ward lines ..." as the state constitution requires. A copy of this legislation is attached as Exhibit C.

Congressional Districts

21. Based on the April 2010 Census, the precise ideal population for each Congressional District in Wisconsin is 710,873.

22. The state legislature has the primary responsibility—under Article I, Sections 2 and 4, and the Fourteenth Amendment, section 2, of the U.S. Constitution and under 2 U.S.C. § 2c—to enact a constitutionally-valid plan establishing the boundaries for the state's eight Congressional districts.

23. On July 19 and 20, the Wisconsin legislature adopted Congressional district boundaries based on the 2010 census. Congressional redistricting resulted from the same legislative process and schedule described in paragraphs 18 and 19 above.

24. The new Congressional districts have minimal total population deviations.

CLAIMS FOR RELIEF

25. While the new political districts contain small population deviations, the district boundaries violate the U.S. and Wisconsin constitutional and statutory requirements that each district be compact, preserve the core population of prior districts, and preserve communities of interest—while still containing equal population.

26. The legislatively-adopted redistricting boundaries impermissibly discriminate against the plaintiffs in the political process, and the use of those boundaries for elections in 2012 and beyond will deny the plaintiffs the opportunity for fair and effective representation in their state government and in their Congressional districts.

FIRST CLAIM

Legislative Boundaries Unconstitutionally Sacrifice Redistricting Principles

27. Plaintiffs incorporate by reference the allegations in paragraphs 1 through 26 above.

28. Although population equality is a primary constitutional goal in establishing legislative districts, it is not the only constitutional or statutory goal.

29. The federal and state constitutions require that legislative districts be apportioned with equal populations while the state constitution also ensures that the districts are compact, preserve core populations from prior districts, and preserve communities of interest. The state constitution also requires that legislative districts be based on districts first drawn by local units of government.

30. Whether or not the population deviations in the new legislative districts are acceptable in a vacuum, the new districts wholly and impermissibly ignore other redistricting requirements.

a. They are not geographically compact—in fact, significantly less so than the 2002 boundaries. Legislative districts have taken bizarre shapes, especially compared to their 2002 counterparts, including but not necessarily limited to Assembly Districts 6, 34, 37, 43, 45, 62, 64, 70, 87 and 93 and Senate Districts 8, 21 and 24. *See* Exhibit D, comparing the Racine/Kenosha districts to their 2002 counterparts.

b. They do not preserve core populations from prior districts. Based on the 2010 census, 323,026 individuals needed to move assembly districts; the new legislation moves 2,357,592 individuals—two million more than necessary—into new assembly

districts. (In contrast, the 2002 boundaries retained 76.7 percent of the core populations from the prior district.) For example:

i. According to the 2010 census, AD 81 was required to lose only 3,907 individuals to meet the ideal population; the new legislation removes 57,932 individuals from and adds 53,984 individuals to the district.

ii. The 2010 census disclosed that AD 33 should have been reduced by 2,016 individuals; the new legislation removes 54,763 individuals from the district and adds 52,868 individuals from other districts.

iii. Based on the 2010 census, AD 62 needed to gain only 1,558 individuals to meet the ideal population; the new legislation removes 50,983 individuals from the district and adds 52,442 individuals from other districts.

iv. AD 37 was required to lose 1,521 individuals, according to the 2010 census; the new legislation removes 52,142 individuals from the district and adds 50,684 individuals.

v. AD 76 needed to lose 4,103 individuals to meet the ideal population; the new legislation removes 54,583 individuals and adds 50,653 individuals.

c. Similarly, the 2010 census disclosed that 231,341 individuals needed to shift senate districts; the new legislation, however, moves 1,205,216 individuals. These unnecessary changes to the core populations include but are not limited to:

i. According to the 2010 census results, SD 22, bordered on the east by Lake Michigan, had 7,686 individuals more than the ideal population; the new

legislation adds 66,837 individuals from a different district and removes 74,586 individuals from the existing district.

ii. The 2010 census revealed SD 21, which used to border SD 22 to the north, needed to increase by 5,598 individuals; the new legislation adds 72,431 individuals to the district and removes 66,842 from its core 2002 population.

iii. SD 17, bordered on the west by Minnesota and on the south by Illinois, did not need to lose any of its population; the 2010 census disclosed that its population was only 58 individuals above the ideal population—statistically insignificant. The new legislation nonetheless adds 19,666 new individuals to the district and removes 19,507 individuals from the 2002 district.

iv. Like its neighboring district, SD 32 runs along the Mississippi River on the western border of the state. This district also did not need to be changed as the 2010 census disclosed its population at 46 individuals above the ideal population. The new legislation, however, adds 3,458 individuals to the district and removes 3,715.

v. Also bordered by the Mississippi River to the west and SD 32 to the south, SD 31 was 1,034 over the ideal population, according to the 2010 census. The new legislation nevertheless adds 50,132 individuals and removes 51,161 from its 2002 population.

vi. SD 7 is in the City of Milwaukee and borders Lake Michigan to the east. According to the 2010 census, SD 7 also did not need to change; it was only 330 below the ideal population. However, the new legislative proposal adds

13,741 individuals to the district and removes 13,321 from the 2002 district population.

31. The new legislative districts do not preserve communities of interest and instead needlessly divide cities and other local government units. For example:

a. The boundaries unnecessarily fracture the “Clark Square” neighborhood in Milwaukee by drawing the district boundary between the 8th and 9th Assembly Districts along Cesar Chavez Drive.

b. The assembly and senate districts in Racine and Kenosha Counties unnecessarily fracture the communities. The City of Racine is split into six different assembly districts, including one that stretches into the City of Kenosha (AD 64) and another that stretches west to Wind Lake and the Racine County line (AD 62). The legislation also ignores the traditional and historical representation afforded to the two counties, combining the cities into one senate district while another senate district is spread across the rural parts of both counties. While communities of interest are fractured, communities that have little in common are combined. Residents of Racine have little in common with, and rely on very different government services compared to, for example, the residents of Wind Lake.

c. In the Fox Valley, the City of Appleton, a majority of which has traditionally been contained within one assembly district (AD 57), was split in half with the northern half of the city now in the 56th Assembly District, which stretches west beyond the Outagamie County line and to the Winnebago County line. Residents of the City of Appleton have little in common with residents of, for example, Norwegian Bay on Lake Poygan.

d. The City of Beloit has traditionally and historically been contained within one assembly district (AD 45). The legislation splits the city in half with the western part of the city falling within AD 45 and the eastern portion within AD 31. This also places the City of Beloit in separate senate districts (SD 15 on the west and SD 11 on the east). The residents of the City of Beloit, which has the highest unemployment rate in the state, have very little in common with residents of, for example, Lake Geneva.

e. In Milwaukee County, three assembly districts that had historically been contained within Milwaukee County are now stretched from the edge of that county well into Waukesha County.

32. If not otherwise enjoined or directed, the G.A.B. will carry out its statutory responsibilities involving the 2012 state legislative elections based on the impermissibly-drawn boundaries, which will harm the plaintiffs by violating their constitutional rights.

33. In the absence of the legislatively-enacted and constitutionally-permissible districts, any elections conducted under the G.A.B.'s supervision will deprive the individual plaintiffs of their civil rights under color of state law in violation of 42 U.S.C. §§ 1983 and 1988.

SECOND CLAIM

The Legislation Does Not Recognize Local Government Boundaries.

34. Plaintiffs incorporate by reference the allegations in paragraphs 1 through 33 above.

35. The state constitution requires that, to the extent possible, wards and municipalities be kept whole within legislative district boundaries. It mandates that they be “bounded” by lines drawn for local political units. The new districts are not bound by county, precinct, town or ward lines already established by local governments. Some are unnecessarily

divided. The legislation splits significantly more counties, municipalities and wards than the 2002 boundaries. The districts in Racine, Kenosha, Appleton, Beloit and Milwaukee, discussed above in paragraphs 31a through e, are examples of these divides.

36. In creating district boundaries, the legislation ignores local boundaries already established by local government boundaries and in the process of being established violating the state constitution. Instead, the legislature changed the state law in an attempt to force local municipalities to make their districts conform to the state's plan, violating the state constitution. *See Exhibit C; supra*, ¶ 20.

37. If not otherwise enjoined or directed, the G.A.B. will carry out its statutory responsibilities involving the 2012 state legislative elections based on the impermissibly-drawn boundaries, which will harm the plaintiffs by violating their constitutional rights.

38. In the absence of the legislatively-enacted and constitutionally-permissible districts, any elections conducted under the G.A.B.'s supervision will deprive the individual plaintiffs of their civil rights under color of state law in violation of 42 U.S.C. §§ 1983 and 1988.

THIRD CLAIM

Legislative Districts Unnecessarily Disenfranchise 300,000 Wisconsin Citizens

39. Plaintiffs incorporate by reference the allegations in paragraphs 1 through 38 above.

40. State senators are elected to four-year terms. Senators from even-numbered districts are elected in years corresponding to the presidential election cycle; senators in odd-numbered districts are elected during mid-term elections.

41. In 2012, if voters are shifted from odd to even senate districts, they will face a two-year delay in electing their state senator. They are disenfranchised, unnecessarily and

unconstitutionally, by being deprived of the opportunity to vote, as the state constitution requires, every four years for a senator to represent them.

42. The districts adopted by the state legislature unconstitutionally disenfranchise at least 299,533 citizens.

a. In two even-numbered senate districts (SD 2 and SD 32), although the 2010 census disclosed that only a few individuals (if any) needed to be moved, thousands of individuals were unnecessarily moved into odd-numbered districts. For example, Senate District 2 needed to gain 286 individuals, yet 19,859 individuals were moved out of the district and into Senate District 1 (which needed to *lose* 8,656 individuals).

b. In other even-numbered senate districts (SD 12, SD 14 and SD 24), although the 2010 census disclosed that the districts needed an increase in population, thousands of individuals were unnecessarily moved out of those districts and into odd-numbered districts. For example, Senate District 14 needed to gain 3,554 individuals, yet 33,046 were unnecessarily moved to Senate District 27 (which needed to *lose* 25,541 individuals).

c. In other senate districts (SD 16, SD 20, SD 22 and SD 28), although the 2010 census disclosed that the districts needed some decrease in population, the populations of these districts were decreased in substantially larger numbers than necessary to achieve equal population. For example, Senate District 22 needed to lose only 7,686 individuals and, instead, 72,431 individuals were moved out of the district and into Senate District 21 (which needed to gain only 5,598 individuals).

d. Finally, although Senate District 10 needed to lose 20,314 individuals, 19,360 of the individuals who were moved out of the district were moved into Senate District 31, which needed to *lose* 1,034 individuals.

43. If not otherwise enjoined or directed, the G.A.B. will carry out its statutory responsibilities involving the 2012 state legislative elections based on the impermissibly-drawn boundaries, which will harm the plaintiffs by violating their constitutional rights.

44. In the absence of the legislatively-enacted and constitutionally-permissible districts, any elections conducted under the G.A.B.'s supervision will deprive the individual plaintiffs of their civil rights under color of state law in violation of 42 U.S.C. §§ 1983 and 1988.

FOURTH CLAIM

Congressional Districts Are Not Compact and Fail to Preserve Communities of Interest.

45. Plaintiffs incorporate by reference the allegations in paragraphs 1 through 44 above.

46. The federal and state constitutions require that political districts be compact and preserve communities of interest.

47. The compactness of a district refers both to the shape of the district as well as to the ability of citizens to relate to each other and their elected representative and the ability of the representative to relate to his or her constituents.

48. The Congressional Districts fail to meet constitutional standards of compactness.

a. The 7th Congressional District unnecessarily spans a vast area—from Superior in the northwest to just north of Madison in the south and east into Forest County.

b. The 3rd Congressional District similarly and unnecessarily spans from the far southwest corner of the state north almost to the Twin Cities and west to the center of the state.

c. The large expanse covered by these districts results in districts that are difficult and quite costly for residents to effectively communicate with their representative in Congress and for the elected member to effectively communicate with his or her constituents.

49. A related principle is that communities of interest be preserved. A “community of interest” refers to local government units and tribal boundaries and also includes considerations of a citizen’s ethnicity, cultural affinity and traditional geographical boundaries, historical political representation, and the community’s need for government services.

50. Fracturing communities of interest adversely affects the ability of citizens to relate to each other and to their representatives.

51. The Congressional Districts created by the legislature impermissibly divide communities of interest:

a. Fox Valley Area: The new legislation unnecessarily fractures the Fox Valley area. The City of Appleton is split between the 8th and 6th Congressional Districts, and the Cities of Neenah and Menasha are separated from the remaining Fox Valley municipalities.

b. Milwaukee Area: Milwaukee County is now fractured into four separate districts, compared with the 2002 boundaries where the county was represented by only three members of Congress.

52. If not otherwise enjoined or directed, the G.A.B. will carry out its statutory responsibilities involving the 2012 Congressional elections based on the impermissibly-drawn boundaries, which will harm the plaintiffs by violating their constitutional rights.

53. In the absence of the legislatively-enacted and constitutionally-permissible districts, any elections conducted under the G.A.B.'s supervision will deprive the individual plaintiffs of their civil rights under color of state law in violation of 42 U.S.C. §§ 1983 and 1988.

FIFTH CLAIM

Congressional and Legislative Districts Constitute Unconstitutional Gerrymandering

54. Plaintiffs incorporate by reference the allegations in paragraphs 1 through 53 above.

55. The Equal Protection Clause and the First Amendment require that all citizens have an equally effective opportunity to elect their representatives and prohibit vote dilution in the form of partisan gerrymandering that substantially disadvantages voters of one party in their opportunity to influence the political process.

56. The majority's legislative leadership deliberately and systematically created Congressional and legislative districts to give their political party an unfair electoral advantage in an attempt to preserve their political majorities and minimize the electoral prospects for the minority party. For example:

a. For the last decade and more, Wisconsin's statewide partisan elections have been close, with four of the last five statewide Presidential and gubernatorial elections slightly favoring the Democratic candidates. Applying the election results from these five recent elections to the new political boundaries, however, would give Republicans 54 seats in the 99-seat assembly.

b. Using the results from 2004, when the Presidential election results were virtually even, under the new boundaries Republicans would have won 58 assembly seats.

57. The new Congressional and legislative districts will, consistently and impermissibly, degrade the influence of minority party voters on the political process as a whole. Under the legislation, Democrats have little chance of attaining and retaining a majority in either the senate or the assembly, or in the Congressional delegation, giving them little ability to overcome minority status at any point over the next decade.

58. The legislation places incumbents in shared legislative districts in a way that will likely result in the loss of at least five Democratic seats, with four additional Democratic incumbents able to retain a seat only if they move to an adjacent Democratic-leaning district. In contrast, no Republican incumbent will lose a seat and only two Republican incumbents would need to move to an adjacent, open Republican-leaning district. Under these boundaries, the assembly may go from a 59-39 Republican majority to a 64-34 Republican majority in 2012.

59. Plaintiffs in districts held by Democrats have been—and, as a result of the new legislation, will continue to be—denied fair representation in the state legislature and Congress in 2012 and beyond.

a. The minority party was denied a fair chance to participate in the redistricting process.

b. The minority party in the state legislature has been similarly denied access to the political process throughout the 2011-12 legislative term. Plaintiffs and other Wisconsin residents also have been precluded from meaningful participation in the

legislative process. As a result, plaintiffs have been unable to fully participate in the public debate on which the political system depends.

60. If not otherwise enjoined or directed, the G.A.B. will carry out its statutory responsibilities involving the 2012 state legislative elections based on the impermissibly-drawn boundaries, which will harm the plaintiffs by violating their constitutional rights.

61. In the absence of the legislatively-enacted and constitutionally-permissible districts, any elections conducted under the G.A.B.'s supervision will deprive the individual plaintiffs of their civil rights under color of state law in violation of 42 U.S.C. §§ 1983 and 1988.

SIXTH CLAIM

Legislative Districts Unconstitutionally Use Race As A Predominant Factor

62. Plaintiffs incorporate by reference the allegations in paragraphs 1 through 61 above.

63. The Voting Rights Act, 42 U.S.C. § 1973, precludes a state from minimizing the opportunities for minority groups to participate in the political process. Among other things, it precludes “packing” minorities into legislative districts and from fracturing minorities into several districts to dilute their influence.

64. Federal law requires newly-drawn districts to reflect communities of interest along with race. Federal law further requires state legislatures to establish districts, where possible, with the minority citizens comprising a numerical majority of the citizen voting age population.

65. Although the new legislative boundaries establish minority-majority and minority influence districts, they do so by unnecessarily shifting populations, fracturing communities that

have historically been represented by the same representative, and combining new communities without regard for any factors other than, on their face, race.

66. Under the new legislation, African Americans have less opportunity than other members of the electorate to participate in the political process:

a. Racial bloc voting is pervasive in the City of Milwaukee among both majority and African American groups.

b. African Americans comprise a sufficiently large and geographically compact group to constitute a majority of the voting age population in at least seven assembly districts.

c. The new legislation creates only six assembly districts where a majority of the voting age population is African American.

d. At least one additional assembly district comprised of a majority of African Americans of voting age population can be established in the City of Milwaukee without violating constitutional requirements.

e. The failure to create at least seven assembly districts with minority-majority populations violates section 2 of the Voting Rights Act of 1965 and the Fourteenth Amendment.

67. Under the new legislation, Latinos have less opportunity than other members of the electorate to participate in the political process:

a. Racial bloc voting is pervasive in the City of Milwaukee among majority and Latino groups.

b. Latino populations comprise a large and geographically compact group.

c. The new legislation fails to create any district with sufficient Latino voting age citizen population.

d. The new legislation's failure to draw a district with sufficient Latino voting age citizen population violates section 2 of the Voting Rights Act of 1965.

68. The new legislation unconstitutionally ignores nonracial bases of identity.

a. The new Racine-Kenosha senate district includes populations that belong to the same race but otherwise have little common communities of interest.

b. In Milwaukee, by shifting existing districts based solely on race and ignoring other redistricting principles, the legislative districts include populations that belong to the same race but otherwise have little else in common.

69. Other legislative boundaries also unnecessarily shift populations and fracture Native American communities that have historically been represented by the same representative. For example:

a. Members of the Oneida Nation have historically been represented by one member of the assembly and one member of the senate. Under the 2002 boundaries, members of the Oneida Nation were primarily within Assembly District 5 and Senate District 2. Under the new legislation, members of the Oneida Nation have been fractured and now reside in at least two assembly districts. As a result, members of the Oneida Nation are now spread among multiple districts, lessening their political influence.

b. Members of the Stockbridge-Munsee and Menominee tribes have historically been represented by one member of the assembly and one member of the senate. Under the 2002 boundaries, members of these tribes were in Assembly District 36 and Senate District 12. The new legislation divides the tribes between the

36th and 6th Assembly Districts, which also places the members in different senate districts (12th and 2nd, respectively). As a result, members of the Stockbridge-Munsee and Menominee tribes are now spread among three assembly districts and two senate districts, lessening their political influence.

c. Members of the Forest County Potawatomi have historically been represented by one member of the assembly and one member of the senate. Under the 2002 boundaries, members of the tribe were in Assembly District 36 and Senate District 12. Under the new legislation, members of the Forest County Potawatomi are divided between the 36th and 34th Assembly Districts, lessening their political influence.

70. If not otherwise enjoined or directed, the G.A.B. will carry out its statutory responsibilities involving the 2012 state legislative elections based on the impermissibly-drawn boundaries, which will harm the plaintiffs by violating their constitutional rights.

71. In the absence of the legislatively-enacted and constitutionally-permissible districts, any elections conducted under the G.A.B.'s supervision will deprive the individual plaintiffs of their civil rights under color of state law in violation of 42 U.S.C. §§ 1983 and 1988.

SEVENTH CLAIM

New Congressional and Legislative Districts Are Not Justified By Any Legitimate State Interest

72. Plaintiffs incorporate by reference the allegations in paragraphs 1 through 71 above.

73. The Equal Protection Clause allows some deviation from population equality in political boundaries if the deviations are based on established redistricting policies.

74. The legislature failed to take into account the well-established principles of compactness, maintaining communities of interest, and preserving core populations from prior districts in establishing new district boundaries.

75. The legislature failed to take into account the state constitution's requirement of basing legislative districts on municipal, ward and other local government boundaries.

76. Because the new legislation ignores established redistricting obligations, the state had no justification for any population deviation whatsoever; the population deviations—although modest—are greater than necessary because they do nothing to preserve communities of interest, preserve core populations, and are not based on local boundaries.

77. There is no legitimate state interest that justifies the new Congressional and legislative districts.

78. If not otherwise enjoined or directed, the G.A.B. will carry out its statutory responsibilities involving the 2012 state legislative elections based on the impermissibly-drawn boundaries, which will harm the plaintiffs by violating their constitutional rights.

79. In the absence of the legislatively-enacted and constitutionally-permissible districts, any elections conducted under the G.A.B.'s supervision will deprive the individual plaintiffs of their civil rights under color of state law in violation of 42 U.S.C. §§ 1983 and 1988.

RELIEF SOUGHT

WHEREFORE, the plaintiffs ask that the Court:

1. Declare Wisconsin's eight Congressional Districts, as established by the legislature on July 19 and 20, 2011, unconstitutional and invalid and the maintenance of those districts for the 2012 primary election and November 6, 2012 general election a violation of plaintiffs' federal and state legal rights;

2. Declare Wisconsin's 33 Senate Districts and 99 Assembly Districts, established by the legislature on July 19 and 20, 2011, unconstitutional and invalid and the maintenance of those districts for the 2012 primary election and November 6, 2012 general election a violation of plaintiffs' federal and state legal rights;

3. Enjoin the defendants and the G.A.B.'s employees and agents, including the county clerks in each of Wisconsin's 72 counties, from administering, preparing for and in any way permitting the nomination or election of members of the U.S. House of Representatives or of the state legislature from the unconstitutional districts that now exist in Wisconsin for the 2012 primary election and November 6, 2012 general election;

4. In the absence of constitutional state laws, adopted by the legislature and signed by the Governor in a timely fashion, establish a judicial redistricting plan to make the state's Congressional and legislative districts substantially equal in population and, in addition, meet the requirements of the U.S. Constitution and statutes and the Wisconsin Constitution and statutes;

5. Award the plaintiffs their costs, disbursements, and reasonable attorneys' fees incurred in bringing this action; and,

6. Grant such other relief as the Court deems proper.

Dated: July 21, 2011.

GODFREY & KAHN, S.C.

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EXHIBIT A

Table 1. APPORTIONMENT POPULATION AND NUMBER OF REPRESENTATIVES, BY STATE: 2010 CENSUS

STATE	APPORTIONMENT POPULATION (APRIL 1, 2010)	NUMBER OF APPORTIONED REPRESENTATIVES BASED ON 2010 CENSUS	CHANGE FROM CENSUS 2000 APPORTIONMENT
Alabama	4,802,982	7	0
Alaska	721,523	1	0
Arizona	6,412,700	9	+1
Arkansas	2,926,229	4	0
California	37,341,989	53	0
Colorado	5,044,930	7	0
Connecticut	3,581,628	5	0
Delaware	900,877	1	0
Florida	18,900,773	27	+2
Georgia	9,727,566	14	+1
Hawaii	1,366,862	2	0
Idaho	1,573,499	2	0
Illinois	12,864,380	18	-1
Indiana	6,501,582	9	0
Iowa	3,053,787	4	-1
Kansas	2,863,813	4	0
Kentucky	4,350,606	6	0
Louisiana	4,553,962	6	-1
Maine	1,333,074	2	0
Maryland	5,789,929	8	0
Massachusetts	6,559,644	9	-1
Michigan	9,911,626	14	-1
Minnesota	5,314,879	8	0
Mississippi	2,978,240	4	0
Missouri	6,011,478	8	-1
Montana	994,416	1	0
Nebraska	1,831,825	3	0
Nevada	2,709,432	4	+1
New Hampshire	1,321,445	2	0
New Jersey	8,807,501	12	-1
New Mexico	2,067,273	3	0
New York	19,421,055	27	-2
North Carolina	9,565,781	13	0
North Dakota	675,905	1	0
Ohio	11,568,495	16	-2
Oklahoma	3,764,882	5	0
Oregon	3,848,606	5	0
Pennsylvania	12,734,905	18	-1
Rhode Island	1,055,247	2	0
South Carolina	4,645,975	7	+1
South Dakota	819,761	1	0
Tennessee	6,375,431	9	0
Texas	25,268,418	36	+4
Utah	2,770,765	4	+1
Vermont	630,337	1	0
Virginia	8,037,736	11	0
Washington	6,753,369	10	+1
West Virginia	1,859,815	3	0
Wisconsin	5,698,230	8	0
Wyoming	568,300	1	0
TOTAL APPORTIONMENT POPULATION ¹	309,183,463	435	

¹ Includes the resident population for the 50 states, as ascertained by the Twenty-Third Decennial Census under Title 13, United States Code, and counts of overseas U.S. military and federal civilian employees (and their dependents living with them) allocated to their home state, as reported by the employing federal agencies. The apportionment population excludes the population of the District of Columbia.

EXHIBIT B



State of Wisconsin
2011 - 2012 LEGISLATURE



LRBa1394/1
MK:cjs:rs

**SENATE AMENDMENT 2,
TO 2011 SENATE BILL 148**

July 14, 2011 – Offered by Senator ZIPPERER.

1 At the locations indicated, amend the bill as follows:

2 **1.** Page 16, line 18: delete the material beginning with that line and ending
3 with page 21, line 2, and substitute:

4 **“4.08 Eighth assembly district.** All of the following territory in Milwaukee
5 County constitutes the 8th assembly district: that part of the city of Milwaukee
6 comprising U.S. census tract 15700, blocks 1000, 1001, 1002, 1003, 1005, 1006, 1007,
7 1008, 2000, 2001, 2002, 2003, 2004, 2005, 2006, 3000, 3001, 3002, 3003, 3004, 3005,
8 4000, 4001, 4003, 4004, 4007, and 4008; and tract 16300, blocks 1011, 1013, 2000,
9 and 2001; and tract 16400, blocks 1000, 1001, 1002, 1003, 1004, 1005, 2000, 2001,
10 2002, 2003, 2004, 2005, 2006, 2007, 3000, 3001, 3002, 3003, 3004, 3005, 3006, 3007,
11 4000, 4001, 4002, 4003, 4004, and 4005; and tract 16500, blocks 1000, 1001, 1002,
12 1003, 1004, 1005, 1006, 1007, 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008,
13 2009, 2010, 3001, 3002, 3003, 3004, 3005, 3006, 3007, 3008, 3009, 3010, 3011, 3012,

1 3013, 3014, 3015, 3016, 3017, 3018, 3019, and 3020; and tract 16600, blocks 1000,
2 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 2000, 2001, 2002, 2003, 2004,
3 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2019, 2020,
4 2021, 2022, 2023, and 2024; and tract 16700, blocks 1000, 1001, 1002, 1003, 1004,
5 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 2000, 2001, 2002, 2003, 2004, 2005,
6 2006, 3000, 3001, 3002, 3003, 3004, 3005, 3006, and 3007; and tract 16800, blocks
7 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013,
8 1014, 1015, 1016, 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 3000, 3001, 3002,
9 3003, 3004, 3005, and 3006; and tract 16900, blocks 1000, 1001, 1002, 2000, 2001,
10 2003, 2004, 2011, 3000, 3001, 3002, 3003, 3004, 3009, and 3010; and tract 17400,
11 blocks 1000, 1001, 1002, 1003, 2000, 2001, 2002, and 2003; and tract 17500, blocks
12 1000, 1001, 1002, 1003, 1004, 1005, 1006, 2000, 2001, 2002, 2003, 2004, 2005, 3000,
13 3001, 3002, 3003, 3004, 3005, 3006, 3007, 4000, 4001, 4002, 4003, 4004, 4005, and
14 4006; and tract 17600, blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008,
15 1009, 1010, 1011, 2000, 2001, 2002, 2003, 2004, and 2005; and tract 17900, blocks
16 1003, 1004, 1005, 2003, 2004, 4001, 4002, 4003, 4004, 4005, 4006, 4007, 4008, 4009,
17 and 4010; and tract 18400, block 2003; and tract 18500, blocks 1000, 1001, 1002,
18 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016,
19 1017, 1018, 1019, 1020, 1021, 1022, 1023, 1024, 1025, 1026, 1027, and 1028; and tract
20 18600, blocks 1000, 1001, 1002, 1003, 1004, 1005, 2000, 2001, 2002, 2003, 2004, 2005,
21 2006, 2007, 2008, 3000, 3001, 3002, 3003, 3004, 3005, 3006, 3007, 3008, and 3009;
22 and tract 18700, blocks 1000, 1001, 1002, 1003, 1004, 1005, 2000, 2001, 2002, 2003,
23 2004, 2005, 2006, 2007, 2008, 2009, 3000, 3001, 3002, 3003, 3004, 3005, 3006, 3007,
24 3008, and 3009; and tract 18800, blocks 1000, 1001, 1002, 1003, 1004, 1005, 2000,
25 2001, 2003, 2004, 2005, 2006, 2007, 2008, and 2009; and tract 20100, blocks 1000,

1 1001, 1002, 1003, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017,
2 1018, 1019, 1020, 1021, and 1022; and tract 20200, blocks 1000, 1001, 1002, 1003,
3 1004, 1006, 2000, 2001, 2002, and 2003; and tract 20300, blocks 1000, 1001, 1002,
4 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016,
5 1017, 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012,
6 2013, 2014, and 2015; and tract 20400, blocks 1000, 1001, 1002, 1003, 1004, 1005,
7 1006, 1007, 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 3000, 3001, 3002, 3003,
8 3004, 3005, 3006, and 3007; and tract 20500, blocks 1000, 1001, 1002, 1003, 1004,
9 1005, 1006, 1007, 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 3000, 3001, 3002,
10 3003, 3004, 3005, 3006, and 3007; and tract 186500, blocks 1000, 1001, 1002, 1003,
11 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017,
12 1018, 1019, 1020, 1021, 1022, 1023, 1024, 1025, 1026, 1027, 1028, 1029, 1030, 1031,
13 1032, 1033, 1034, 1035, 1036, 1037, 1038, 1039, 1040, 1041, 1042, 1043, 1044, 1045,
14 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013,
15 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022, 2023, 2024, 2025, 2026, and
16 2027; and tract 186600, blocks 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010,
17 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 1022, 1023, 2000,
18 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, and 2009; and tract 186800, blocks
19 1018, 1019, 1025, 1026, 1027, 1028, 1029, 1061, 1062, 1085, 1086, 1087, 1088, 1089,
20 1090, 1091, 1092, 1093, 1094, 1095, 1096, 1097, 1098, 1099, 1100, 1101, 1102, 1103,
21 1104, 1105, and 1106; and tract 187400, blocks 1060, 1061, 1067, 1082, 1083, 1084,
22 1085, 1086, 1087, 1088, 1089, 1090, 1091, 1092, 1093, 1094, 1095, 1096, 1097, 1098,
23 1099, 1100, 1101, 1104, 1105, 1106, 1107, 1108, 1109, 1110, 1111, 1112, and 1113.

24 **4.09 Ninth assembly district.** All of the following territory in Milwaukee
25 County constitutes the 9th assembly district: that part of the city of Milwaukee

1 comprising U.S. census tract 13300, blocks 1020 and 1021; and tract 13400, blocks
2 2004 and 2005; and tract 14900, block 2011; and tract 15700, blocks 1004, 2007, 4002,
3 4005, and 4006; and tract 15800, blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006,
4 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 3000, 3001, 3002, 3003, 3004, 3005,
5 and 3006; and tract 15900, blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007,
6 2000, 2001, 2002, 2003, 2004, 2005, 2006, 3000, 3001, 3002, 3003, 3004, 3005, and
7 3006; and tract 16000, blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 2000,
8 2001, 2002, 2003, 2004, 2005, 2006, 2007, and 2008; and tract 16100, blocks 1000,
9 1001, 1002, 1003, 1004, 1005, 1006, 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007,
10 2008, 2009, 3000, 3001, 3002, 3003, 3004, 3005, 3006, 3007, 3008, 3009, 3010, 3011,
11 3012, 3013, and 3014; and tract 16200, blocks 1000, 1001, 1002, 1003, 1004, 1005,
12 1006, 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 3000, 3001, 3002, 3003,
13 3004, 3005, and 3006; and tract 16300, blocks 1000, 1001, 1002, 1003, 1004, 1005,
14 1006, 1007, 1008, 1009, 1010, 1012, 2002, 2003, 2004, 2005, 3000, 3001, 3002, 3003,
15 3004, 3005, 4000, 4001, 4002, 4003, 4004, 4005, 4006, 4007, and 4008; and tract
16 16900, blocks 1003, 1004, 1005, 1006, 1007, 1008, 2002, 2005, 2006, 2007, 2008, 2009,
17 2010, 3005, 3006, 3007, and 3008; and tract 17000, blocks 1000, 1001, 1002, 1003,
18 1004, 1005, 1006, 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 3000, 3001, 3002,
19 3003, 3004, 3005, 3006, 3007, 3008, 4000, 4001, 4002, 4003, 4004, 4005, 4006, 4007,
20 5000, 5001, 5002, 5003, 5004, 5005, and 5006; and tract 17100, blocks 1000, 1001,
21 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 2000, 2001, 2002,
22 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, and 2011; and tract 17200, blocks
23 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 2000, 2001, 2002, 2003, 2004,
24 2005, 2006, and 2007; and tract 17300, blocks 1000, 1001, 1002, 1003, 1004, 1005,
25 1006, 1007, 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 3000, 3001,

1 3002, 3003, 3004, 3005, 3006, 3007, 3008, and 3009; and tract 17400, blocks 1004,
2 1005, 1006, 1007, 2004, 2005, 2006, and 2007; and tract 18800, block 2002; and tract
3 18900, blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011,
4 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 1022, 1023, 1024, 1025,
5 1026, 1027, 1028, 1029, and 1030; and tract 19000, blocks 1000, 1001, 1002, 1003,
6 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 2000, 2001, 2002, 2009, and 2010;
7 and tract 20000, blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009,
8 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 1022, 1023,
9 1024, 1025, 1026, 1027, 1028, 1029, 1030, 1031, 2000, 2001, 2002, 2003, 2004, 2005,
10 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, and 2018;
11 and tract 20100, blocks 1004, 1005, 1006, 2000, 2001, 2002, 2003, 2004, 2005, 2006,
12 3000, 3001, 3002, 3003, 3004, 3005, 3006, 3007, 3008, 3009, 3010, 3011, 3012, 3013,
13 3014, 3015, 3016, 3017, 3018, and 3019; and tract 20200, blocks 1005, 2004, 2005,
14 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 3000, 3001, 3002, 3003, 3004, 3005,
15 3006, 3007, 3008, 3009, and 3010; and tract 20300, blocks 2016, 2017, 2018, and
16 2019; and tract 21200, block 2005; and tract 21300, blocks 1000, 1001, 1002, 1003,
17 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017,
18 1018, and 1019; and tract 21400, blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006,
19 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 2000, 2001, 2002, 2003,
20 2004, 2005, 2006, 2007, 2008, 2009, 2010, and 2011; and tract 110100, blocks 3000,
21 3004, and 3016; and tract 186400, block 2010; and tract 186800, blocks 1010, 1011,
22 1012, 1013, 1014, 1021, 1022, 1023, 1024, 1030, 1031, 1032, 1033, 1034, 1035, 1036,
23 1037, 1038, 1039, 1040, 1041, 1042, 1043, 1044, 1045, 1046, 1047, 1048, 1049, 1050,

1 1051, 1052, 1053, 1054, 1056, 1058, 1059, 1060, 1063, 1064, 1065, 1066, 1067, 1069,
2 1070, 1072, 1107, and 1108.”.

3 (END)

POPULATION STATISTICS

<u>District</u>	SENATE BILL 148					THIS AMENDMENT				
	<u>Pop.</u>	<u>Dev.</u>	<u>Pct. Dev.</u>	<u>Minority Pop.</u>		<u>Pop.</u>	<u>Dev.</u>	<u>Pct. Dev.</u>	<u>Minority Pop.</u>	
				<u>Hispan.</u>	<u>Other</u>				<u>Hispan.</u>	<u>Other</u>
Asm. 8	57,246	-198	-0.35	35,971	6,770	57,246	-198	-0.35	37,750	6,428
Asm. 9	57,233	-211	-0.37	36,426	7,405	57,233	-211	-0.37	34,647	7,747

Overall Assembly	Persons		Percent
	Mean Deviation:	93	0.16
	Largest Positive Deviation:	214	0.37
	Largest Negative Deviation:	-224	-0.39
	Overall Range in Deviation:	± 438	± 0.76

No Change

Overall Senate	Persons		Percent
	Mean Deviation:	149	0.09
	Largest Positive Deviation:	466	0.27
	Largest Negative Deviation:	-610	-0.35
	Overall Range in Deviation:	± 1,076	± 0.62

No Change

EXHIBIT C



2011 SENATE BILL 150

July 11, 2011 – Introduced by COMMITTEE ON SENATE ORGANIZATION. Referred to Committee on Judiciary, Utilities, Commerce, and Government Operations.

1 **AN ACT** *to renumber and amend* 59.10 (3) (c); *to amend* 5.15 (1) (a) 1. and 2.,
2 5.15 (1) (b), 5.15 (1) (c), 5.15 (2) (bm), 5.15 (2) (e) and (f) (intro.), 5.15 (2) (f) 4.,
3 5.15 (2) (g), 5.15 (4), 5.15 (6) (a), 5.15 (7), 5.18, 59.10 (2) (a), 59.10 (2) (d), 59.10
4 (3) (b) 1., 59.10 (3) (b) 2., 59.10 (3) (b) 4., 59.10 (3) (cm) 1., 59.10 (6), 62.08 (1),
5 62.08 (2), 62.08 (4m), 62.08 (5) and 119.08 (1) (b); and *to create* 5.15 (2) (b)
6 (intro.), 59.10 (3) (b) 3., 59.10 (3) (c) 2. and 3., 751.035 and 801.50 (4m) of the
7 statutes; **relating to:** division of municipalities into wards and redistricting of
8 supervisory and aldermanic districts and appointing a panel to hear challenges
9 to the apportionment of a congressional or legislative district, and hearing
10 certain appeals.

Analysis by the Legislative Reference Bureau

Adjustment of municipal wards to accommodate redistricting plans

The bill requires municipal ward plans, and the aldermanic and supervisory districts upon which they are based, to reflect municipal boundaries on April 1 of the year of each federal decennial census. Currently, ward plans must reflect municipal boundaries on August 1 of the year following the year of the federal decennial census.

SENATE BILL 150

The change applies retroactively to ward plans and aldermanic and supervisory districts created in response to the 2010 federal decennial census.

The bill also amends the laws governing municipal ward division to ensure that if municipal wards do not accommodate a congressional or legislative redistricting act on its date of enactment, the affected municipalities must change their wards so that their ward divisions enable the election of members of congress and members of the legislature under the redistricting act. Currently, the laws only partially accommodate this process.

Local ward division and redistricting timeline

Currently, within 60 days after the decennial population count, by block, becomes available from the U.S. Bureau of the Census, but no later than July 1 of each year following the year of the census, each county board of supervisors must submit to each municipality having territory in the county a tentative supervisory district plan or a description of boundary requirements for such a plan. Within 60 days after the receipt of this information from the county board of each county in which a municipality is located, each municipality having a population of 1,000 or more must adopt or readjust wards in accordance with statutory population parameters. In enacting or adopting its plan, a municipality must make a good faith effort to reflect the county's requirements in enacting a supervisory district plan. Within 60 days after every municipality having territory within a county enacts or adopts a ward division plan, the county must enact a final supervisory district plan combining contiguous whole wards to form supervisory districts.

This bill shortens the maximum time specified for action at each of the above stages of the redistricting process to 45 days, effective beginning with ward divisions and redistricting in response to the 2020 federal decennial census.

Municipal ward plan revisions

Currently, under the state constitution, the legislature is directed to redistrict legislative districts according to the number of inhabitants at its next session following each federal census. At the same intervals, the legislature also reapportions congressional districts in this state pursuant to federal law. Under current state law, following each decennial federal census, most municipalities are also required to divide their territory into wards, and counties and cities are required to redistrict supervisory and aldermanic districts so that the districts contain, as nearly as practicable, an equal number of inhabitants according to the census results. With limited exceptions, wards are required to consist of one or more whole, contiguous census blocks (the smallest geographic units for which census results are available). Counties and municipalities are required to complete this action in three steps, which in no case may conclude later than 180 days after publication of the census results. (Usually, the process begins in April and ends in October of the year following the year of the census.) If counties or municipalities fail to adopt division plans, the courts may do so upon petition by interested parties. Revised county and municipal district plans are used to elect members of county boards of supervisors and common councils in the spring of the second year following the year of the census.

SENATE BILL 150

The legislative and congressional redistricting plans are used to elect members of the legislature and members of congress in the fall of the second year following the year of the census. The legislature may subdivide or adjust the boundaries of a municipal ward and use the revised ward boundaries to create a legislative or congressional district.

This bill amends various laws to facilitate the legislative and congressional redistricting process and directs counties and municipalities to revise their ward and districting plans to reflect any legislative act establishing a legislative or congressional district boundary that does not coincide with a ward or municipal boundary.

The bill also provides that when a municipality is consolidated with another municipality, the governing body of the consolidated municipality must revise its municipal ward plan to the extent required to effect the change. Currently, the statutes do not address this issue.

County supervisory district plans

Currently, within 60 days after publication of the federal decennial census, each county must adopt a tentative county supervisory district plan. Each municipality must adopt a ward division plan, if it is required to do so, within 60 days after the county or counties in which the municipality is located adopt a tentative county supervisory district plan, and each county then must adopt a final supervisory district plan within 60 days after every municipality in the county adopts a ward division plan, if it is required to do so. Currently, the tentative plan must include suggested boundaries or information concerning the number of supervisors to be elected and a description of boundary requirements.

This bill provides that a final county supervisory district plan must not be inconsistent with the tentative plan except to accommodate authorized municipal ward divisions or to reflect an official correction to the census. The bill also applies to amended supervisory district plans in counties other than Milwaukee and Menominee the same standards with respect to contiguity, compactness, numbering, and applicability that apply to amended plans in Milwaukee County. In addition, the bill applies to tentative district plans in Milwaukee County the same standards with respect to contiguity that apply to final district plans in that county.

Incorporation of census corrections

Currently, decennial ward division plans, as well as decennial county supervisory and city aldermanic district plans, are based on the federal decennial census. The statutes do not treat the issue of corrections that the U.S. Bureau of the Census issues. This bill provides that the ward plans and aldermanic district plans shall reflect the census results, including any corrections, for the populations of counties, municipalities, and census blocks on April 1 of the year of the census, if corrections are issued prior to adoption of a decennial ward plan, or if a municipality that is affected by a correction is not divided into wards, prior to adoption of a county supervisory district plan.

SENATE BILL 150***Amended aldermanic district plans***

The bill makes an amended aldermanic district plan that may be adopted in certain cities in response to an intradecade county supervisory district plan subject to the same passage and notice requirements, and district composition requirements, that apply currently to original decennial aldermanic district plans. Under current law, absent members are not included in determining passage requirements and there are no notice and district composition requirements for these amended plans.

Challenges to apportionment of congressional and legislative districts; hearing of appeals

This bill requires the supreme court to assign a three-judge panel to hear any matter that seeks to challenge the apportionment of a congressional or legislative district. Under the bill, the supreme court must choose a judge from each of three circuits and designate one circuit as having venue for purposes of hearings and filing documents.

Under the bill, no party may seek to substitute any of the assigned judges and any appeal of the panel's decisions are to be heard directly by the supreme court.

Minor and technical changes

The bill also makes other minor technical changes in the law to facilitate the ward division and county and municipal redistricting process.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

- 1 **SECTION 1.** 5.15 (1) (a) 1. and 2. of the statutes are amended to read:
- 2 5.15 (1) (a) 1. Every city, village, and town in this state shall by ordinance or
- 3 resolution of its common council or village or town board, respectively, be divided into
- 4 wards as provided in this section, except as authorized in sub. (2). The boundaries
- 5 of the wards established under this section, and the number assigned to each ward,
- 6 are intended to be as permanent as possible, and to this end each ward shall when
- 7 created contain a population at a convenient point within the applicable population
- 8 range under sub. (2) (b), with due consideration for the known trends of population
- 9 increase or decrease within that part of the municipality in which the ward is located.

SENATE BILL 150

1 2. Once established, the boundaries of each ward shall remain unchanged until
2 a further decennial federal census of population indicates that the population of a
3 ward is then above or below the applicable population range, or until the ward
4 boundaries are required to be changed to permit creation of supervisory or
5 aldermanic districts of substantially equal population or to enhance the
6 participation of members of a racial or language minority group in the political
7 process and their ability to elect representatives of their choice, or until otherwise
8 authorized or required under this section.

9 **SECTION 2.** 5.15 (1) (b) of the statutes is amended to read:

10 5.15 (1) (b) Except as authorized in sub. (2) (a), within ~~60~~ 45 days after the
11 receipt of a tentative supervisory district plan and written statement, if any, from the
12 county board of each county in which a municipality is located, the governing body
13 of the municipality shall adjust its wards according to the schedule shown in sub. (2).
14 All territory contained within the municipality, and only the territory so contained,
15 on ~~August 1 following~~ April 1 of the year of the federal decennial census shall be
16 contained within a ward established under the division ordinance or resolution.
17 Except as authorized in sub. (2), each ward shall consist of whole blocks, as utilized
18 by the U.S. bureau of the census in the most recent federal decennial census. To suit
19 the convenience of the voters residing therein each ward shall, as far as practicable,
20 be kept compact and observe the community of interest of existing neighborhoods
21 and other settlements. All territory within a ward shall be contiguous, except for
22 island territory as defined in sub. (2) (f) 3. Enactment or adoption of a division
23 ordinance or resolution requires the affirmative vote of a majority of the members
24 of the governing body.

25 **SECTION 3.** 5.15 (1) (c) of the statutes is amended to read:

SENATE BILL 150**SECTION 3**

1 5.15 (1) (c) The wards established by municipal governing bodies in a division
2 ordinance or resolution enacted or adopted under this section ~~on the basis of the~~
3 ~~published results of each federal decennial census of population~~ shall govern the
4 adjustment of supervisory districts under s. 59.10 (2) (a) and (3) (b) and of aldermanic
5 districts under s. 62.08 (1) for the purpose of local elections beginning on January 1
6 of the 2nd year commencing after the year of the census until revised under this
7 section on the basis of the results of the next decennial census of population unless
8 adjusted under sub. (2) (f) 4., (6) (a) or (7), or unless ~~adjusted, as a matter of statewide~~
9 ~~concern, in the enactment of a division is required to effect an act of the legislature~~
10 redistricting legislative districts under article IV, section 3, of the constitution ~~on the~~
11 ~~basis of the most recent decennial census of population or redistricting congressional~~
12 districts. The populations of wards under each decennial ward division shall be
13 determined on the basis of the federal decennial census and any official corrections
14 to the census issued on or before the date of adoption of the division ordinance or
15 resolution to reflect the correct populations of the municipality and the blocks within
16 the municipality on April 1 of the year of the census.

17 **SECTION 4.** 5.15 (2) (b) (intro.) of the statutes is created to read:

18 5.15 (2) (b) (intro.) Except for wards created to effect an act of the legislature
19 redistricting legislative districts under article IV, section 3, of the constitution or
20 redistricting congressional districts and except as authorized under pars. (bm), (c),
21 (e), and (f) and sub. (7), wards shall contain the following numbers of inhabitants:

22 **SECTION 5.** 5.15 (2) (bm) of the statutes is amended to read:

23 5.15 (2) (bm) Every city electing the members of its common council from
24 aldermanic districts shall assemble the blocks wholly or partially contained within
25 the city into wards that will enable the creation of aldermanic districts that are

SENATE BILL 150

1 substantially equal in population. If a block is partly contained within the city, the
2 city shall divide the block to form a ward containing the portion of the block that lies
3 within the city.

4 **SECTION 6.** 5.15 (2) (e) and (f) (intro.) of the statutes are amended to read:

5 5.15 (2) (e) ~~Notwithstanding par. (b),~~ if If territory is detached from a city,
6 village or town after ~~adoption of a decennial ward plan~~ April 1 of the year of the
7 federal decennial census, and the remaining portion of the ward to which it was
8 attached falls below the prescribed minimum population for the applicable range,
9 the remaining portion of the population may be constituted a ward by itself.

10 (f) (intro.) ~~Notwithstanding par. (b), any~~ Any city, village or town may establish
11 a ward below the prescribed minimum population for the applicable range whenever
12 the proposed ward is established under par. (a), (d) or (e) or whenever the proposed
13 ward contains solely:

14 **SECTION 7.** 5.15 (2) (f) 4. of the statutes is amended to read:

15 5.15 (2) (f) 4. New territory which becomes a part of a city, village or town after
16 ~~the adoption of a decennial ward plan~~ April 1 of the year of the federal decennial
17 census.

18 **SECTION 8.** 5.15 (2) (g) of the statutes is amended to read:

19 5.15 (2) (g) If a block is affected by an annexation or detachment which
20 establishes a municipal boundary that subdivides the block, the municipalities in
21 which the block is contained shall incorporate only the portion of the block contained
22 within their boundaries in their ~~ward plans~~ division ordinances or resolutions.

23 **SECTION 9.** 5.15 (4) of the statutes is amended to read:

24 5.15 (4) (a) The division ordinance or resolution shall number all wards in the
25 municipality ~~in~~ with unique whole numbers in consecutive order, beginning with the

SENATE BILL 150**SECTION 9**

1 number one, shall designate the polling place for each ward, and shall describe the
2 boundaries of each ward consistent with the conventions set forth in s. 4.003. The
3 ordinance or resolution shall be accompanied by a list of the block numbers used by
4 the U.S. bureau of the census that are wholly or partly contained within each ward,
5 with any block numbers partly contained within a ward identified, and a map of the
6 municipality which illustrates the revised ward boundaries. If the legislature, in an
7 act redistricting legislative districts under article IV, section 3, of the constitution,
8 or in redistricting congressional districts, establishes a district boundary within a
9 municipality that does not coincide with the boundary of a ward established under
10 the ordinance or resolution of the municipality, the municipal governing body shall,
11 no later than May 15 of the 2nd year following the year of the federal decennial
12 census on which the act is based, amend the ordinance or resolution to the extent
13 required to effect the act. The amended ordinance or resolution shall designate the
14 polling place for any ward that is created to effect the legislative act.

15 (b) Within 5 days after adoption or enactment of an ordinance or resolution
16 under this section or any amendment thereto, the municipal clerk shall transmit one
17 copy of the ordinance or resolution or the amendment to the county clerk of each
18 county in which the municipality is contained, accompanied by the list and map
19 specified in par. (a). If the population of the municipality exceeds 10,000, the
20 municipal clerk shall furnish one copy to the legislative reference bureau at the same
21 time. Each copy shall identify the name of the municipality and the county or
22 counties in which it is located.

23 **SECTION 10.** 5.15 (6) (a) of the statutes is amended to read:

24 5.15 (6) (a) Following any municipality-wide special federal census of
25 population, the governing body of the municipality in which the special census was

SENATE BILL 150

1 held may, by ordinance or resolution, adjust the ward boundaries, but no ward line
2 adjustment may cross the boundary of ~~an~~ a congressional, assembly, or supervisory
3 district. The municipal clerk shall transmit copies of the ordinance or resolution in
4 compliance with sub. (4) (b).

5 **SECTION 11.** 5.15 (7) of the statutes is amended to read:

6 5.15 (7) If a new town is created or if part of a town is annexed to a city or village
7 during a decennial period after ~~the period for ward adjustments under sub. (1) (b)~~
8 April 1 of the year of the federal decennial census, the town board of any town to
9 which territory is attached or from which territory is detached, without regard to the
10 time provisions of sub. (1) (b), may, by ordinance or resolution, create new wards or
11 adjust the existing wards in that town, but no to the extent required to reflect the
12 change. If a municipality is consolidated with another municipality during a
13 decennial period after April 1 of the year of the federal decennial census, the
14 governing body of the consolidated municipality, without regard to the time
15 provisions under sub. (1) (b), may, by ordinance or resolution, create new wards or
16 adjust the existing wards of the municipality to the extent required to reflect the
17 change. No ward line adjustment under this subsection may cross the boundary of
18 ~~an~~ a congressional, assembly, or supervisory district. The ~~town~~ municipal clerk shall
19 transmit copies of the ordinance or resolution making the adjustment in compliance
20 with sub. (4) (b).

21 **SECTION 12.** 5.18 of the statutes is amended to read:

22 **5.18 Enforcement of division requirement.** If any municipality fails to
23 comply with s. 5.15, the county in which the municipality is located or any elector of
24 the municipality may submit to the circuit court for any county in which the
25 municipality is located within 14 days from the expiration of the ~~60-day~~ 45-day

SENATE BILL 150**SECTION 12**

1 period under s. 5.15 (1) (b) a proposed plan for the division of the municipality into
2 wards in compliance with this section. If the circuit court finds that the existing
3 division of the municipality into wards fails to comply with s. 5.15, it shall review the
4 plan submitted by the petitioner and after reasonable notice to the municipality may
5 promulgate the plan, or any other plan in compliance with s. 5.15, as a temporary
6 ward plan for the municipality to remain in effect until superseded by a ward plan
7 enacted or adopted by the governing body in compliance with s. 5.15.

8 **SECTION 13.** 59.10 (2) (a) of the statutes is amended to read:

9 59.10 (2) (a) *Composition; supervisory districts.* Within ~~60~~ 45 days after the
10 population count by census block, established in the decennial federal census of
11 population, and maps showing the location and numbering of census blocks become
12 available in printed form from the federal government or are published for
13 distribution by an agency of this state, but no later than July 1 following the year of
14 each decennial census, the board shall adopt and transmit to the governing body of
15 each city and village wholly or partially contained within the county a tentative
16 county supervisory district plan to be considered by the cities and villages when
17 dividing into wards. The tentative plan shall specify the number of supervisors to
18 be elected and shall divide the county into a number of districts equal to the number
19 of supervisors, with each district substantially equal in population and consisting of
20 contiguous whole wards or municipalities, except as authorized in sub. (3) (b) 2.
21 Except as otherwise provided in this paragraph, the board shall develop and adopt
22 the tentative plan in accordance with sub. (3) (b) 1. The tentative plan shall not
23 include provision for division of any census block, as utilized by the U.S. bureau of
24 the census in the most recent federal decennial census, unless the block is bisected
25 by a municipal boundary or unless a division is required to enable creation of

SENATE BILL 150

1 supervisory districts that are substantially equal in population. The board shall
2 adopt a final plan by enacting an ordinance in accordance with sub. (3) (b) 2. to 4.
3 Changes to the final plan shall be governed by par. (d) and sub. (3) (c).

4 **SECTION 14.** 59.10 (2) (d) of the statutes is amended to read:

5 59.10 (2) (d) *Changes during decade.* 1. 'Number of supervisors; redistricting.'
6 The board may, not more than once prior to November 15, 2010, decrease the number
7 of supervisors after the enactment of a supervisory district plan under par. (a). In
8 that case, the board shall redistrict, readjust, and change the boundaries of
9 supervisory districts, so that the number of districts equals the number of
10 supervisors, the districts are substantially equal in population according to the most
11 recent countywide federal census, the districts are in as compact a form as possible,
12 and the districts consist of contiguous municipalities or contiguous whole wards in
13 existence at the time at which the amended redistricting plan is adopted, except as
14 authorized in sub. (3) (b) 2. In the ~~redistricting~~ amended plan, the board shall adhere
15 to the requirements under sub. (3) (b) 2. with regard to contiguity and shall, to the
16 extent possible, place whole contiguous municipalities or contiguous parts of the
17 same municipality within the same district. In ~~redistricting under this subdivision~~
18 the amended plan, the original numbers of the districts in their geographic outlines,
19 to the extent possible, shall be retained. The chairperson of the board shall file a
20 certified copy of any ~~redistricting~~ amended plan adopted under this subdivision with
21 the secretary of state.

22 2. 'Election; term.' Any ~~redistricting~~ amended plan enacted under subd. 1.
23 becomes effective on the first November 15 following its enactment, and first applies
24 to the spring election following the plan's effective date. Any ~~redistricting~~ amended
25 plan enacted under subd. 1. shall remain in effect until the effective date of a

SENATE BILL 150**SECTION 14**

1 redistricting plan subsequently enacted under par. (a). Supervisors elected from the
2 districts created under subd. 1. shall serve for 4–year terms and shall take office on
3 the 3rd Monday in April following their election.

4 **SECTION 15.** 59.10 (3) (b) 1. of the statutes is amended to read:

5 59.10 (3) (b) 1. Within ~~60~~ 45 days after the population count by census block,
6 established in the decennial federal census of population, and maps showing the
7 location and numbering of census blocks become available in printed form from the
8 federal government or are published for distribution by an agency of this state, but
9 no later than July 1 following the year of each decennial census, each board shall
10 propose a tentative county supervisory district plan setting forth the number of
11 supervisory districts proposed by the board and tentative boundaries or a description
12 of boundary requirements, hold a public hearing on the proposed plan and adopt a
13 tentative plan. The proposed plan may be amended after the public hearing. The
14 tentative plan shall divide the county into a number of districts equal to the number
15 of supervisors, with each district substantially equal in population. The board shall
16 solicit suggestions from municipalities concerning the development of an
17 appropriate plan. ~~The board shall transmit to each municipal governing body in the~~
18 ~~county the tentative plan that is adopted. Each~~ Except as authorized in this
19 subdivision, each district shall consist of whole wards or municipalities. ~~Each~~
20 ~~district shall be designated to be represented by one supervisor, and all districts shall~~
21 ~~be substantially equal in population. Territory within each supervisory district to~~
22 be created under the tentative plan shall be contiguous, except as authorized in subd.
23 2. In the tentative plan, the board shall, whenever possible, place whole contiguous
24 municipalities or contiguous parts of the same municipality within the same district.
25 If the division of a municipality is sought by the board, the board shall provide with

SENATE BILL 150

1 the plan a written statement to the municipality affected by each proposed division
2 specifying the approximate location of the territory from which a ward is sought to
3 be created for contiguity purposes and the approximate population of the ward
4 proposed to effectuate the division. The tentative plan shall not include provision for
5 division of any census block unless the block is bisected by a municipal boundary or
6 unless a division is required to enable creation of supervisory districts that are
7 substantially equal in population. The board shall transmit a copy of the tentative
8 plan that is adopted to each municipal governing body in the county.

9 **SECTION 16.** 59.10 (3) (b) 2. of the statutes is amended to read:

10 59.10 (3) (b) 2. Within ~~60~~ 45 days after every municipality in the county adjusts
11 its wards under s. 5.15, the board shall hold a public hearing and shall then adopt
12 a final supervisory district plan, numbering each district. Wards Territory within
13 each supervisory district created by the plan shall be contiguous, except that one or
14 more wards located within a city or village which is wholly surrounded by another
15 city or water, or both, may be combined with one or more noncontiguous wards, or
16 one or more wards ~~or portions of wards~~ consisting of island territory as defined in s.
17 5.15 (2) (f) 3. may be combined with one or more noncontiguous wards ~~or portions of~~
18 ~~wards~~ within the same municipality, to form a supervisory district. Except as
19 required to reflect a municipal ward division authorized or required under s. 5.15,
20 and except as required under subd. 3., the final plan shall not be inconsistent with
21 the tentative plan.

22 **SECTION 17.** 59.10 (3) (b) 3. of the statutes is created to read:

23 59.10 (3) (b) 3. The populations of supervisory districts under the tentative
24 plan shall be determined on the basis of the federal decennial census and any official
25 corrections to the census issued on or before the date that the tentative plan is

SENATE BILL 150

1 adopted to reflect the correct population of the county and municipalities and blocks
2 within the county on April 1 of the year of the census. The populations of supervisory
3 districts under the final plan shall be determined on the basis of the federal decennial
4 census and any official corrections to the census to reflect the correct populations of
5 the county and the municipalities and blocks within the county on April 1 of the year
6 of the census, if the corrections as they affect any municipality are issued prior to
7 division of the municipality into wards under s. 5.15, or if a municipality is not
8 divided into wards, prior to adoption of the final plan.

9 **SECTION 18.** 59.10 (3) (b) 4. of the statutes is amended to read:

10 59.10 (3) (b) 4. The chairperson of the board shall file a certified copy of the final
11 districting plan with the secretary of state. Unless otherwise ordered under sub. (6),
12 a plan enacted and filed under this paragraph, together with any authorized
13 amendment that is enacted and filed under this section, remains in effect until the
14 plan is superseded by a subsequent plan enacted under this subsection and a
15 certified copy of that plan is filed with the secretary of state.

16 **SECTION 19.** 59.10 (3) (c) of the statutes is renumbered 59.10 (3) (c) 1. and
17 amended to read:

18 59.10 (3) (c) 1. After the enactment of a plan of supervisory districts under par.
19 (b), the board may amend the plan to reflect a municipal incorporation, annexation,
20 detachment or consolidation ~~may serve as a basis for altering between federal~~
21 ~~decennial censuses the boundaries of supervisory districts, in the discretion of the~~
22 ~~board.~~ The number of supervisory districts in the county shall not be changed by any
23 action under this paragraph. ~~Any plan of county supervisory districts enacted under~~
24 ~~par. (b) may be amended under this paragraph but shall remain in effect as amended~~

SENATE BILL 150

1 ~~until superseded by another plan enacted by the board under par. (b) and filed~~
2 ~~subdivision.~~

3 4. The chairperson of the board shall file a certified copy of any amended plan
4 under this paragraph with the secretary of state.

5 **SECTION 20.** 59.10 (3) (c) 2. and 3. of the statutes are created to read:

6 59.10 (3) (c) 2. Within 45 days after enactment or adoption of a revised division
7 ordinance or resolution under s. 5.15 (4) (a), the board shall amend the county
8 supervisory district plan under par. (b) to reflect any renumbering of the wards
9 specified in the plan.

10 3. The districts under the amended plan shall be substantially equal in
11 population according to the most recent countywide federal census and shall be in
12 as compact a form as possible. The board shall adhere to the requirements of par.
13 (b) 2. with regard to contiguity and shall, to the extent possible, place whole
14 contiguous municipalities or contiguous parts of the same municipality within the
15 same district. In the amended plan, the original numbers of the districts in their
16 geographic outlines, to the extent possible, shall be retained. An amended plan
17 becomes effective on the first November 15 following its enactment.

18 **SECTION 21.** 59.10 (3) (cm) 1. of the statutes is amended to read:

19 59.10 (3) (cm) 1. 'Number of supervisors; redistricting.' Except as provided in
20 subd. 3., following the enactment of a decennial supervisory district plan under par.
21 (b), the board may decrease the number of supervisors. In that case, the board shall
22 redistrict, readjust, and change the boundaries of supervisory districts, so that the
23 number of districts equals the number of supervisors, the districts are substantially
24 equal in population according to the most recent countywide federal census, the
25 districts are in as compact a form as possible, and the districts consist of contiguous

SENATE BILL 150**SECTION 21**

1 municipalities or contiguous whole wards in existence at the time at which the
2 redistricting plan is adopted, except as authorized in par. (b) 1. In the redistricting
3 plan, the board shall adhere to the requirements under par. (b) 2. with regard to
4 contiguity and shall, to the extent possible, place whole contiguous municipalities or
5 contiguous parts of the same municipality within the same district. In redistricting
6 under this subdivision, the original numbers of the districts in their geographic
7 outlines, to the extent possible, shall be retained. No plan may be enacted under this
8 subdivision during review of the sufficiency of a petition filed under subd. 2. nor after
9 a referendum is scheduled on such a petition. However, if the electors of the county
10 reject a change in the number of supervisory districts under subd. 2., the board may
11 then take action under this subdivision except as provided in subd. 3. The county
12 clerk shall file a certified copy of any redistricting plan enacted under this
13 subdivision with the secretary of state.

14 **SECTION 22.** 59.10 (6) of the statutes is amended to read:

15 59.10 **(6)** ENFORCEMENT OF DIVISION REQUIREMENT. If a county fails to comply
16 with sub. (2) (a) or (3) (b), any municipality located in whole or in part within the
17 county or any elector of the county may submit to the circuit court for the county
18 within 14 days from the expiration of either ~~60-day~~ 45-day period under sub. (2) (a)
19 or (3) (b) a proposed tentative supervisory district plan or a final plan for creation of
20 supervisory districts in compliance with this section. If the court finds that the
21 existing division of the county into supervisory districts fails to comply with this
22 section, it shall review the plan submitted by the petitioner and after reasonable
23 notice to the county may promulgate the plan, or any other plan in compliance with
24 this section, ~~as a temporary supervisory district and the plan shall be in effect until~~

SENATE BILL 150

1 superseded by a ~~districting~~ plan adopted by the board in compliance with this
2 section.

3 SECTION 23. 62.08 (1) of the statutes is amended to read:

4 62.08 (1) Within ~~60~~ 45 days after the wards have been readjusted under s. 5.15
5 (1) and (2) the common council of every city, including ~~any~~ every 1st class city of the
6 first class, shall redistrict the boundaries of its aldermanic districts, by an ordinance
7 introduced at a regular meeting of the council, published as a class 2 notice, under
8 ch. 985, and thereafter adopted by a majority vote of all the members of the council,
9 so that all aldermanic districts are as compact in area as possible and contain, as
10 nearly as practicable by combining contiguous whole wards, an equal number of
11 inhabitants according to the most recent decennial federal census of population.
12 Territory within each aldermanic district to be created under the plan shall be
13 contiguous, except that territory within the city that is wholly surrounded by another
14 city or water, or both, may be combined with noncontiguous territory, or island
15 territory, as defined in s. 5.15 (2) (f) 3., may be combined with noncontiguous territory
16 within the same municipality to form an aldermanic district. The aldermanic district
17 plan shall not include provision for division of any census block unless the block is
18 bisected by a municipal boundary or the division is made as required under s. 5.15
19 (2) (c). The populations of the aldermanic districts shall be determined on the basis
20 of the federal decennial census and any official corrections to the census to reflect the
21 correct populations of the municipality and the blocks within the municipality on
22 April 1 of the year of the census, if the corrections are issued prior to division of the
23 municipality into wards under s. 5.15. Within 45 days after enactment or adoption
24 of a revised division ordinance or resolution under s. 5.15 (4) (a), the common council

SENATE BILL 150**SECTION 23**

1 shall amend the aldermanic district plan to reflect any renumbering of the wards
2 specified in the plan.

3 **SECTION 24.** 62.08 (2) of the statutes is amended to read:

4 62.08 (2) If territory becomes a part of any city after ~~adoption of the ordinance~~
5 ~~under sub. (1)~~ April 1 of the year of the federal decennial census, the limitations of
6 s. 5.15 relating to population or area do not apply to the creation of new wards in the
7 attached territory, or to the addition of the territory to an existing ward, but no ward
8 line adjustment may cross the boundary of ~~an a congressional, assembly, or~~
9 supervisory district.

10 **SECTION 25.** 62.08 (4m) of the statutes is amended to read:

11 62.08 (4m) If in a city that is solely contained within one county the aldermanic
12 districts are coterminous with the supervisory districts of the county and the county
13 board decreases the number of supervisors in the county after enactment of a
14 redistricting plan under s. 59.10 (3) (cm), the common council of the city may, by a
15 majority vote of all of the members of the council, no later than November 15
16 immediately preceding the expiration of the terms of office of members of the council,
17 decrease the number of aldermanic districts and the corresponding number of
18 members of the council in the city to maintain coterminous boundaries between the
19 aldermanic and supervisory districts and may change the expiration date of the term
20 of any council member to an earlier date than the date provided under the current
21 ordinance if required to implement the redistricting or to maintain classes of
22 members. Any amended aldermanic district plan that is adopted under this
23 subsection is subject to the same procedures and requirements that apply to
24 decennial plans adopted under sub. (1).

25 **SECTION 26.** 62.08 (5) of the statutes is amended to read:

SENATE BILL 150

1 62.08 (5) If a city fails to comply with sub. (1), any elector of the city may submit
2 to the circuit court for any county in which the city is located within 14 days from the
3 expiration of the ~~60-day~~ 45-day period under sub. (1) a proposed plan for creation
4 of aldermanic districts in compliance with this section. If the court finds that the
5 existing division of the city into aldermanic districts fails to comply with this section,
6 it shall review the plan submitted by the petitioner and after reasonable notice to the
7 city may promulgate the plan, or any other plan in compliance with this section, as
8 a temporary aldermanic district plan until superseded by a districting plan adopted
9 by the council in compliance with this section.

10 **SECTION 27.** 119.08 (1) (b) of the statutes is amended to read:

11 119.08 (1) (b) Within ~~60~~ 45 days after the common council of the city enacts an
12 ordinance ~~determining or adopts a resolution adjusting~~ the boundaries of the
13 ~~aldermanic districts~~ wards in the city following the federal decennial census under
14 s. ~~62.08 5.15~~ (1) and (2), the board shall, by vote of a majority of the membership of
15 the board, adopt an election district apportionment plan for the election of board
16 members which shall be effective until the city enacts a new ordinance under s. 62.08
17 (1) ~~redetermining the aldermanic district boundaries~~ adjusting the boundaries of its
18 wards under s. 5.15 (1) and (2).

19 **SECTION 28.** 751.035 of the statutes is created to read:

20 **751.035 Assignment to a judicial panel; appeals.** (1) Upon receiving
21 notice under s. 801.50 (4m), the supreme court shall appoint a panel consisting of 3
22 circuit court judges to hear the matter. The supreme court shall choose one judge
23 from each of 3 circuits and shall assign one of the circuits as the venue for all hearings
24 and filings in the matter.



State of Wisconsin
2011 - 2012 LEGISLATURE



LRBa1405/1
JTK:cjs:jf

SENATE AMENDMENT 4,
TO 2011 SENATE BILL 150

July 15, 2011 – Offered by Senator ZIPPERER.

1 At the locations indicated, amend the bill as follows:

2 **1.** Page 5, line 10: delete “~~60~~ 45” and substitute “60”.

3 **2.** Page 7, line 24: delete “The division” and substitute “The Except as provided
4 in par. (c), the division”.

5 **3.** Page 8, line 14: after “act.” insert “Nothing in this paragraph shall be
6 construed to compel a county or city to alter or redraw supervisory or aldermanic
7 districts.”.

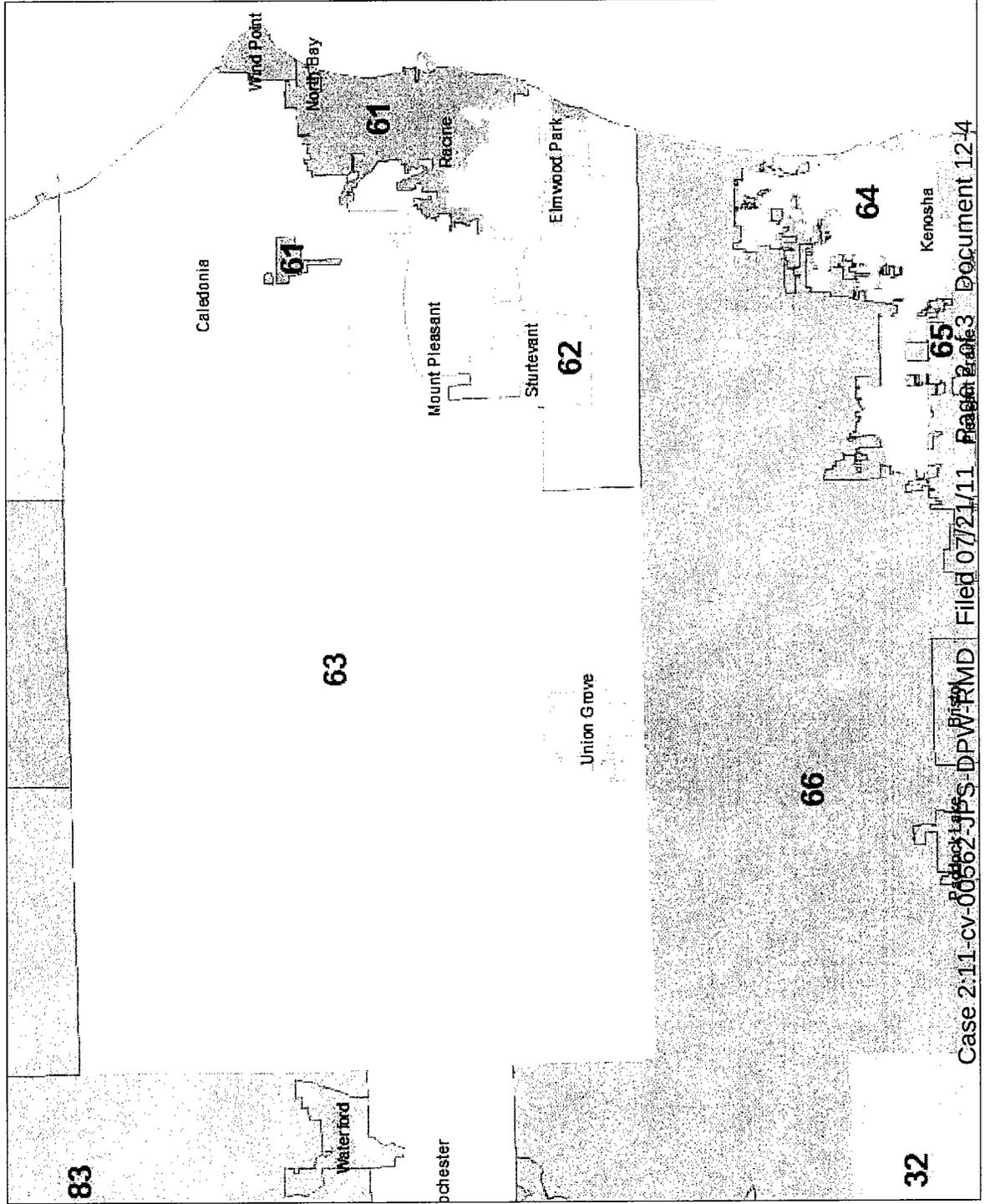
8 **4.** Page 8, line 22: after that line insert:

9 “SECTION 9m. 5.15 (4) (c) of the statutes is created to read:

10 5.15 (4) (c) Wards that are created to effect an act of the legislature redistricting
11 legislative districts or congressional districts and wards authorized under sub. (2)
12 (bm), (c), (e), or (f) or (7) may be numbered with a combination of whole numbers and
13 letters.”.

EXHIBIT D

2002 Racine/Kenosha Districts



2011 Racine/Kenosha Districts

